



Arizona Regulatory Board of Physician Assistants

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Janet Napolitano
Governor
Albert Ray Tuttle, P.A.-C
Chairman
Joan M. Reynolds, P.A.-C
Vice Chairman
Barry A. Cassidy, Ph.D., P.A.-C
Executive Director

FINAL MINUTES FOR REGULARLY SCHEDULED MEETING

Held at 1:00 p.m. on November 17, 2004

9535 E. Doubletree Ranch Road - Scottsdale, Arizona

Board Members

Albert Ray Tuttle, P.A.-C, Chair
Joan M. Reynolds, P.A.-C, Vice Chair
Randy D. Danielsen, Ph.D., P.A.-C
Michael E. Goodwin, P.A.-C
G. Bradley Klock, D.O.
James Edward Meyer, M.D.
Sigmund Popko, Public Member
Anna Marie Prassa, Public Member
Peter C. Wagner, D.O.
Barry D. Weiss, M.D., FAAFP

Board Counsel

Christine Cassetta, Assistant Attorney General

Staff

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director
Barbara Kane, Assistant Director
Beatriz Garcia Stamps, M.D., M.B.A., Board Medical Director
Gary Oglesby, Chief Information Officer
Tina Speight, Public Affairs Coordinator
Susan Ahn, Legal Coordinator

WEDNESDAY, November 17, 2004

CALL TO ORDER

Albert Ray Tuttle, P.A.-C, Chair, called the meeting to order at 1:00 p.m.

ROLL CALL

Roll call was taken and the following Board Members were present: Albert Ray Tuttle, P.A.-C, Joan M. Reynolds, P.A.-C, Randy D. Danielsen, Ph.D., P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D., Sigmund Popko, Anna Marie Prassa, Peter C. Wagner, D.O., and Barry D. Weiss, M.D., FAAFP.

CALL TO THE PUBLIC

Statements issued during the call to the public appear beneath the case referenced.

NON-TIME SPECIFIC ITEMS

Executive Director's Report

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director, stated that he would like to thank the Board for the six and a half years of serving with them and thanked them for their support. Albert Ray Tuttle, P.A.-C, stated that he appreciated Dr. Cassidy's service to the Board. The Board Members agreed.

Altering One Time Per-Week Meeting Requirements for Practitioners in Remote Geographic Locations - A.R.S. § 32-2531(D)

Barry D. Weiss, M.D., FAAFP, stated that the wording "man powered short area" could be used somewhere. Christine Cassetta, Board Counsel, stated that she included "medically underserved." Michael E. Goodwin, P.A.-C, stated the issue as "in-person supervision once a week is required." The Board Members discussed including language that electronic medical files would be required if telecommunications is used as a means of supervision in a medically underserved area. Also, that

NON-TIME SPECIFIC ITEMS - Continued

each case would need to be individually considered and approved by the Board. Randy D. Danielsen, Ph.D., P.A.-C, stated this is an important component regarding supervision. The Board Members took no action on this matter at this time.

Approval of Minutes

August 25, 2004, Meeting Minutes

Sigmund Popko stated that a correction is needed to item number 9 where Peter C. Wagner, D.O., was recorded as voting twice. James Edward Meyer, M.D., questioned the minutes regarding item number 6 and asked why the physician assistant was not brought back to the Board yet. Christine Cassetta, Board Counsel, stated that the Board could not discuss this matter, because it was not on the agenda. She stated that the Chair could discuss it with the Executive Director and give further instruction.

MOTION: Randy D. Danielsen, Ph.D., P.A.-C, moved to approve the minutes with the corrections as stated above.

SECONDED: Anna Marie Prassa

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 0-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
1.	PA-04-0013A	T.C.	STEPHANIE M. WOLFF, P.A.-C	2888	Dismissed.

Julie Blades made a statement at the call to the public. She stated that PA Wolff had claimed sexual harassment by Dr. Gitt and suggested that Dr. Gitt is retaliating.

Rudolf Kirschner, M.D., Board Medical Consultant, reviewed the details of this case with the Board. He stated that the allegation was for negligently performing Light Shear (laser) treatment, resulting in burns. Joan M. Reynolds, P.A.-C, asked if there were photos of the patient's alleged injuries regarding the type of burn he incurred because of the procedure. Peter C. Wagner, D.O., stated that he was concerned that there was no patient consent in the chart. Dr. Wagner also stated that the Physician Assistant (PA) typically assumes that there are signed consents in the chart. Sigmund Popko asked if the PA was entitled to assume that the informed consent would have been taken care of by someone else or if she should have made sure. Dr. Kirschner stated that assuming is not sufficient. Mr. Popko also stated that the laser touched an existing tattoo and asked if the patient would have experienced pain because of that. Dr. Kirschner did not know.

MOTION: Peter C. Wagner, D.O., moved to dismiss this case.

SECONDED: James Edward Meyer, M.D.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 0-absent

MOTION PASSED.

MOTION: Barry D. Weiss, M.D., FAAFP, moved to refer Dr. Gitt to the Medical Board.

SECONDED: Peter C. Wagner, D.O.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 0-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
2.	PA-03-0015A	ARBOPA	BLAIR W. MCLAUGHLIN, P.A.-C	1919	Dismissed.

Randy D. Danielsen, Ph.D., P.A.-C, recused himself from this matter. James Edward Meyer, M.D., explained why he thinks this case should be dismissed. Peter C. Wagner, D.O., stated that it is normal for ENT's to not take vital signs. Sigmund Popko stated that the patient died in this case. He asked if there was something that the PA could have done because of the symptoms the patient was having. Dr. Wagner stated that after reviewing the records, this was a judgment call. Barry D. Weiss, M.D., FAAFP, stated that blood tests are not standard with this type of case. Mr. Popko stated that the symptoms seemed severe, such as nausea and vomiting. Joan M. Reynolds, P.A.-C, stated that they could be experiencing some symptoms because of the antibiotic. Albert Ray Tuttle, P.A.-C, referred to the Medical Consultant's conclusions and stated that the standard of care was not violated. Dr. Meyer explained that this happened in 1998 and is coming to the Board because the malpractice case was just completed.

MOTION: James Edward Meyer, M.D., moved to dismiss this case.

SECONDED: Sigmund Popko

VOTE: 8-yay, 1-nay, 1-abstain/recuse, 0-absent

MOTION PASSED.

NON-TIME SPECIFIC ITEMS - Continued

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
3.	PA-04-L003A	ARBOPA	AYO BANKOLE, P.A. – C	2373	Advisory Letter for failure to complete the required CME within the timeframe required by statute. A.R.S. § 32-2501(3)(b) The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action. Request for Extension of CME Deadline Denied

Peter C. Wagner, D.O., recused himself from this matter. Michelle Semenjuk, Licensing Division Chief, and Lisa Bruning, Senior Licensing Investigator, reviewed this case with the Board. PA Bankole failed to renew his license within the time frame required by statute. Randy D. Danielsen, Ph.D., P.A.-C, stated that the continuing medical education (CME) is logged through the National Commission and a PA can go online to get the information for those certified with the NCCPA. Barry A. Cassidy, Ph.D., P.A.-C, Executive Director, stated that this is a violation of the rules. Barry D. Weiss, M.D., FAAFP, stated that PA Bankole did not meet the requirements.

MOTION: Barry D. Weiss, M.D., FAAFP, moved for advisory letter and deny extending the CME deadline.

SECONDED: James Edward Meyer, M.D.

VOTE: 9-yay, 0-nay, 1-abstain/recuse, 0-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
4.	PA-04-0021A	ARBOPA	CHARLES BELLANGER, P.A.–C	1065	Dismissed.
5.	PA-03-0041A	ARBOPA	MYLES A. WHITFIELD, P.A.–C	1917	Dismissed.
6.	PA-03-0022A	ARBOPA	TODD T. MILLER, P.A.–C	1571	Dismissed.
7.	PA-03-0021A	ARBOPA	RICHARD L. D'ARMAND, P.A.–C	1941	Invite PA D'Armand for a Formal Interview.

Case number 7 was pulled from the block vote for individual consideration. Philip Scheerer, M.D., Board Medical Consultant, reviewed the details of this case with the Board. He stated that the final Staff Investigational Review Committee (SIRC) report did not pick up his conclusions. James Edward Meyer, M.D., stated that he was concerns because there were 26 allegations. He asked Dr. Scheerer if the complainants were out to get PA D'Armand. Dr. Scheerer indicated that was the impression he acquired. Dr. Scheerer stated that the Board did attempt to obtain more charts, but they were unavailable to the Board. Dr. Scheerer stated that the Board had enough information that explained the PA did not fall below the standard of care. Christine Cassetta, Board Counsel, explained that Dr. Scheerer did the proper analysis of this case and stated that Dr. Scheerer noted that further investigation would not change his opinion. Peter C. Wagner, D.O., stated there was one recurrent theme after reviewing all of the records involved in this case. Dr. Wagner suggested that this case be investigated further. Barry D. Weiss, M.D., FAAFP, suggested that the Board discuss this PA with the Chief of Staff and other Administration Staff Members at the hospital to see if there were performance problems. Dr. Meyer questioned the PA's level of competence. Ms. Cassetta stated that the Board's option is to invite the PA to a formal interview, ask Board Staff to investigate the case further, or dismiss the case.

MOTION: Randy D. Danielsen, Ph.D., P.A.-C, moved to dismiss this case.

SECONDED: Joan M. Reynolds, P.A.-C

VOTE: 3-yay, 7-nay, 0-abstain/recuse, 0-absent

MOTION FAILED.

MOTION: James Edward Meyer, M.D. moved to invite PA D'Armand for a Formal Interview.

SECONDED: Barry D. Weiss, M.D., FAAFP

Dr. Weiss recommended that the motion be amended to include that Board Staff interview the VA Administration regarding this PA. Barbara Kane, Assistant Director, pointed out the peer reviews in the case files and asked the Board to be specific of what they want Board Staff to ask the VA Administration. Dr. Weiss stated that he would like to know if there was a bad blood situation at the hospital or if the hospital was just following through on a complaint against PA D'Armand. Michael E. Goodwin, P.A.-C, commended Dr. Scheerer for the work he did on this case. PA Goodwin stated that PA D'Armand should have the opportunity to address the issues before the Board and give an explanation. Dr. Cassidy stated that there is a letter from the VA Hospital that questions PA D'Armand's competency. The Board can ask that the PA be invited for a formal interview and ask questions from him directly. If the Board has concern regarding PA D'Armand's abilities, they can evaluate him.

VOTE: 8-yay, 2-nay, 0-abstain/recuse, 0-absent

MOTION PASSED.

NON-TIME SPECIFIC ITEMS - Continued

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
8.	PA-04-0037A	ARBOPA	GENOWEFA SARKO, P.A.-C	2305	Dismissed.
9.	PA-04-0012A	B.L.	LESLIE K. IVERSON, P.A. – C	2297	Dismissed.
10.	PA-04-0026A	S.D.	ANGELA ALLRED, P.A. – C	2314	Dismissed.

Angela Allred, P.A.-C, made a statement to the Board at the call to the public. She stated that the patient was treated properly with her healthcare needs.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
11.	PA-04-0027A	F.T.	MICHAEL J. PREBIL, P.A.-C	1940	Dismissed.
12.	PA-04-0015A	ARBOPA	DAVID S. BROWN, P.A. –C	2887	Dismissed.
13.	PA-03-0040A	ARBOPA	RAMON UGARTE, JR., P.A. – C	1056	Dismissed.

MOTION: Joan M. Reynolds, P.A.-C, moved to dismiss case numbers 4 through 13, except for case number 7, which was discussed individually.

SECONDED: Randy D. Danielsen, Ph.D., P.A.-C

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 0-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
14.	PA-04- L200A	ARBOPA	AUGUSTIN E. MARSHALL, P.A. – C	N/A	Board Staff to continue the license investigation process prior to making a decision; applicant to undergo an evaluation by a psychologist; Board Staff to communicate with all prior employers with whom he practiced to determine the reason for leaving their employment. PA Marshall will share in the cost of the psychological evaluation.

Peter C. Wagner, D.O., stated that although the event in question occurred thirty years ago, he would recommend that the PA come in for a formal interview. Sigmund Popko stated that PA Marshall has been practicing since the incident occurred in 1974. Dr. Weiss stated that if the Board grants a license to this individual, it would be hiding the PA's past. He stated that the majority of the public would probably not see this PA if they knew of his past. Joan M. Reynolds, P.A.-C, stated that this is part of the PA's history. He went through PA school and must have undergone some sort of scrutiny. Anna Marie Prassa stated there are certain circumstances to consider. G. Bradley Klock, D.O., stated that the Board would just be denying him the privileges to practice in this state. It does not prevent him from practicing elsewhere.

MOTION: G. Bradley Klock, D.O., moved to go into executive session at 3:35 p.m.

SECONDED: Barry D. Weiss, M.D., FAAFP

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 0-absent

MOTION PASSED.

The Board returned to open session at 3:47 p.m.

MOTION: James Edward Meyer, M.D., moved for Board Staff to continue the license investigation process prior to making a decision; applicant is to undergo an evaluation by a psychologist; Board Staff is to communicate with all prior employers with whom he practiced to determine the reasons for leaving their employment.

SECONDED: Sigmund Popko

VOTE: 8-yay, 2-nay, 0-abstain/recuse, 0-absent

MOTION PASSED.

MOTION: James Edward Meyer, M.D., moved that the PA would be responsible for the cost of the psychological evaluations.

SECONDED: Peter C. Wagner, D.O.

VOTE: 4-yay, 5-nay, 1-abstain/recuse, 0-absent

MOTION FAILED.

NON-TIME SPECIFIC ITEMS - Continued (AUGUSTIN E. MARSHALL, P.A. – C)

MOTION: Randy D. Danielsen, Ph.D., P.A.-C, moved to share the cost of the psychological evaluation 50/50 with the applicant.

SECONDED: Sigmund Popko,

VOTE: 7-yay, 2-nay, 1-abstain/recuse, 0-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
15.	PA-04-0014A	ARBOPA	WILLIAM A. ROBERTS, JR., P.A.-C	2483	Referred to Formal Hearing.

William A. Roberts, Jr., P.A.-C, made a statement at the call to the public. He stated that he was charged with two misdemeanor's eight years ago. He reported them to the State of California. Because of the misdemeanors, California gave him Probation for lifetime. He lost his job upon receiving that probation. He did not tell Arizona because of that fact.

Philip Scheerer, M.D., Board Medical Consultant, reviewed the details of this case with the Board. Stephen Wolf, Assistant Attorney General, explained that there were four separate misstatements.

MOTION: Randy D. Danielsen, Ph.D., P.A.-C, moved to refer this case to Formal Hearing.

SECONDED: Peter C. Wagner, D.O.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 0-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
16.	PA-04-0035A	ARBOPA	JENNIFER LANGLEY-MINNICK, P.A.-C	2433	Upheld appeal of the Executive Director's Action; Dismissed.

Kraig Marton, Esq., made a statement to the Board at the call to the public on behalf on Jennifer Langley-Minnick, P.A.-C. Christine Cassetta, Board Counsel, stated that this case involves a confidential Investigative Order and the Board would need to discuss this in executive session.

Julie Blades made a statement at the call to the public. She stated that she knows PA Langley-Minnick. She has never seen PA Langley-Minnick intoxicated. An Equal Employment Opportunity Commission (EEOC) claim was filed against Dr. Gitt and he is retaliating. The complaints were dismissed. The individuals that filed the complaint now have a restraining order against Dr. Gitt. She believes that Dr. Gitt is retaliating against PA Langley-Minnick.

Lora Regan made a statement at the call to the public. She stated that she is PA Langley-Minnick's current employer at a spa. She did extensive research on PA Langley-Minnick prior to hiring her. She has seen PA Langley-Minnick socially and professionally and does not believe that she has any problems. PA Langley-Minnick has been a tremendous help at the spa and customers are very thankful to her.

MOTION: Randy D. Danielsen, Ph.D., P.A.-C, moved to go into executive session at 1:11 p.m.

SECONDED: Peter C. Wagner, D.O.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 0-abstain/recuse,

MOTION PASSED.

The meeting returned to open session at 2:04 p.m.

MOTION: Randy D. Danielsen, Ph.D., P.A.-C, moved to uphold the appeal of the Executive Director's action and dismiss this case.

SECONDED: Sigmund Popko

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 0-absent

MOTION PASSED.

NO.	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
17.	BONNIE DICKMAN, P.A.	2635	Request for Cancellation of License Granted.
18.	ANDREA N. BELL, P.A.	2623	Request for Cancellation of License Granted.
19.	LINDA K. HATLER, P.A.	2205	Request for Cancellation of License Granted.
20.	CHERYCE GROVER, P.A.	2877	Request for Cancellation of License Granted.
21.	REBECCA HENDERSON, P.A.	2330	Request for Cancellation of License Granted.

NON-TIME SPECIFIC ITEMS - Continued

NO.	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
22.	LOYE WEST, P.A.	2345	Request for Cancellation of License Granted.
23.	JENNIFER UMTHUN, P.A.	2681	Request for Cancellation of License Granted.
24.	JOHN K. COLBY III, P.A.	1855	Request for Cancellation of License Granted.

MOTION: James Edward Meyer, M.D., moved to grant the requests for cancellation of licenses for cases 17 through 24.

SECONDED: Anna Marie Prassa

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 0-absent

MOTION PASSED.

FORMAL INTERVIEW					
NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
25.	PA-04-0032A	ARBOPA	MICHAEL O. GURNEY, P.A.-C	2576	Unprofessional Conduct in violation of A.R.S. § 32-2501(21)(d) – Habitual intemperance in the use of alcohol or habitual substance abuse and A.R.S. § 32-2501(21)(bb) – Knowingly making a false or misleading statement on a form required by the board or in written correspondence or attachments furnished to the Board; issue a Letter of Reprimand for knowingly making false statements on his license application; Probation for five years with Monitored Aftercare Program (MAP) terms. Interim Consent Agreement lifted.

Michael O. Gurney, P.A.-C, appeared before the Board without legal representation. Sarah Penttinen, Senior Medical Investigator, reviewed the details of this case with the Board. P.A. Gurney was diagnosed with alcohol dependence. P.A. Gurney successfully completed treatment at the Betty Ford Center with a good prognosis. Betty Ford made recommendations for recovery. After Board Staff reviewed P.A. Gurney's file, Board Staff noticed that he provided false information to the Board on his initial application for licensure.

Sigmund Popko, presenting Board member, began the questioning of P.A. Gurney. Mr. Popko questioned the status of P.A. Gurney's first charge in 1994. P.A. Gurney stated that he was jailed for 1 day. A warrant was issued because he did not attend the educational term of his sentence. He gave no explanation for not attending.

The Board Members began questioning P.A. Gurney. P.A. Gurney informed the Board members that he began drinking at 14 years of age. He had no external consequences of his drinking so he continued. He is now in Alcoholics Anonymous (AA) and has a sponsor. He also attends a recovery group through his church. He stated that he is staying strong in his recovery. P.A. Gurney stated he has not worked since his treatment at Betty Ford. Joan M. Reynolds, P.A.-C, asked how P.A. Gurney was able to study to be a P.A. while drinking. He stated that he drank more during the weekends. There were some areas, in school, that he did poorly because of the drinking. However, he stated that he was an above average student. Michael E. Goodwin, P.A.-C, asked if there are currently any other situations that he did not disclose on his application for licensure. P.A. Gurney stated that there were not.

P.A. Gurney made a statement to the Board. He thanked the Board for allowing him to be here. He has experienced a lot since his treatment and has learned because of this experience. He works in a psychiatric facility and he hopes to bring back some of the skills he has learned because of this situation.

MOTION: Sigmund Popko moved for a finding of Unprofessional Conduct in violation of A.R.S. § 32-2501(21)(d) – Habitual intemperance in the use of alcohol or habitual substance abuse and A.R.S. § 32-2501(21)(bb) – Knowingly making a false or misleading statement on a form required by the board or in written correspondence or attachments furnished to the Board; issue a Letter of Reprimand for knowingly making a false statement on his license application; Probation for five years with Monitored Aftercare Program (MAP) terms.

SECONDED: Peter C. Wagner, D.O.

Mr. Popko stated that question number 7 was clear on the application, but 8 was not and sees no violation, because moral turpitude was not explained on the application.

FORMAL INTERVIEW – - Continued (MICHAEL O. GURNEY, P.A.-C)

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Albert Ray Tuttle, P.A.-C, Joan M. Reynolds, P.A.-C, Randy D. Danielsen, Ph.D., P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D. Sigmund Popko, Anna Marie Prassa, Peter C. Wagner, D.O., and Barry D. Weiss, M.D., FAAFP.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 0-absent

MOTION PASSED.

MOTION: Randy D. Danielsen, Ph.D., P.A.-C, moved to lift the Interim Order.

SECONDED: Peter C. Wagner, D.O.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 0-absent

MOTION PASSED.

The meeting was adjourned at 4:37 p.m.

[seal]

Timothy C. Miller, J.D., Executive Director